Case 09-30236-mkn Doc 57 Entered 02/21/11 14:00:11 Page 1 of 13

1	LAW OFFICES OF RANDOLPH H. GOLDBERG		
2	RANDOLPH H. GOLDBERG, ESQ.		
	4000 S. Eastern Avenue, Suite 200		
3	Las Vegas, Nevada 89119		
4	(702) 735-1500		
5	Attorney for Debtor Nevada State Bar no. 5970		
6	UNITED STATES BANKRUPTCY COURT		
7	DISTRICT OF NEVADA		
0	* * * * *		
8	In was		
9	In re:) BANKRUPTCY NUMBER:		
10) BK-S-09-30236-MKN VAN HUYNH) CHAPTER 13		
) CHAPTER 13		
11	,)		
12	Debtor(s). Date: OST PENDING		
12			
13	MOTION TO DEINGTATE AUTOMATIC CTAY DE CECUPED CONTROL		
14	MOTION TO REINSTATE AUTOMATIC STAY RE: SECURED CREDITOR WELLS FARGO TO PROHIBIT SALE AND REINSTATE THE AUTOMATIC STAY		
15	TARGO TO TROTHUM SALE AND REINSTATE THE AUTUMATIC STAY		
16	Comes now, the Debtors, above-named, by and through their attorney, RANDOLPH		
17	H. GOLDBERG, ESQ., moves this Court for an order approving the Motion to Reinstate the		
18	Automatic Stay re: Secured Creditor WELLS FARGO to prohibit sale, as set forth in the points and		
19	authorities attached hereto.		
20	authornes attached hereto.		
	DATED thisday of, 2010.		
21			
22	LAW OFFICES OF		
	RANDOLPH H. GOLDBERG		
23			
24	By_/s/Randolph H. Goldberg/s/_		
25	RANDOLPH H. GOLDBERG, ESQ. 4000 S. Eastern Avenue, Suite 200		
ı I	Las Vegas, Nevada 89119		
26	Attorney for Debtor		
27			
28			

POINTS AND AUTHORITIES

11 U.S.C. Sec. 362(a) states as follows:

- (a) Except as provided in subsection (b) of this section, a petition filed under section 301, 302, or 303, of this title, or an application filed under section 5(a)(3) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78 eee(a)(3), operates as a stay, applicable to all entities, of -
- (1) the commencement or continuation, including the issuance or employment of process, of judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title:....

STATEMENT OF FACTS

A Motion for Relief from Automatic Stay was filed by Deutsche bank and set for hearing on November 4, 2010. The debtor has been making the house payments since the bankruptcy has been filed Prior to the hearing Ms. Huynh gave copies of the proof of payments to Mr. Goldberg's office and those were in turn faxed to Gregory Wilde's office. The debtors through their attorney have been working on a resolution and putting the stay back in place. To this date there is no resolution. Mr. Wilde has postponed the sale so that the problem can be resolved.

An entered order lifting the automatic stay was signed by the court on December 23, 2010. This order should have never been entered. The debtor is current on all post petition payments with regards to the house and prays the court reinstate the automatic stay in this case.

WHEREFORE debtors' respectfully request that any pending sale be canceled.

THAT the stay provided under Chapter 13 of the Bankruptcy Code be reinstated

and

the Order Granting the Motion for Relief from Automatic Stay be vacated.

DATED this ______ day of _______, 2011.

Respectfully submitted,

By_/s/Randolph Goldberg/s/__ RANDOLPH H. GOLDBERG, ESQ. 4000 S. Eastern, Suite 200 Las Vegas, Nevada 89119 Attorney for Debtor Case 09-30236-mkn Doc 57 Entered 02/21/11 14:00:11 Page 4 of 13



Gregory L. Wilde Attorney at Law 702-258-8200

Offices in: Las Vegas, Nevada Phoenix, Arizona

February 18, 2011

VIA USPS and FASCIMILE Adam Parmelee 4000 South Eastern Ave. #200 Las Vegas, NV 89119 Fax No. (702) 735-0505

RE:

Wells Fargo Bank v. Huyhn

BK# 09-30236-mkn

Dear Adam:

Out of professional courtesy, the first available date for the Trustee's sale will take place after March 5, 2011. It's been over 2 months since we've received relief from stay and we still have not seen a Motion to Reinstate. My client is planning on crying the sale unless ordered otherwise.

Should you have any questions, please do not hesitate to contact our office.

Sincerely.

Tiffany & Bosco, PA

Gregory L. Wilde, Esq.

Attorney for Secured Creditor

(dictated but not read)

GW/jm

www.tblaw.com

212 South Jones Boulevard Las Vegas, Nevada 89107

702.258.8200 Phone 702.258.8787 Fax

CHASE 6

JPMorgan Chase Bank, N.A. P O Box 260180 Baton Rouge, LA 70826 - 0180

Bobbballandhardhalladhardhardllaanbbball

00016365 DRE 703 210 13910 - NNNNN 1 000000000 32 0000 VAN T HUYNH 5855 VALLEY DR UNIT 2002 NORTH LAS VEGAS NV 89031-3631 April 17, 2010 through May 18, 2010
Account Number:

CUSTOMER SERVICE INFORMATION

 Web site:
 Chase.com

 Service Center:
 1-800-788-7000

 Hearing Impaired:
 1-800-242-7383

 Para Espanol:
 1-877-312-4273

 International Calls:
 1-713-262-1679



CHECKING SUMMARY

Chase Free Extra Checking

Beginning Balance	AMOUNT \$2,139.38
Deposits and Additions	3,174.78
Checks Paid	- 3,410.07
ATM & Debit Card Withdrawals	- 1,472.85
Electronic Withdrawals	- 374.76
Ending Balance	\$56.48

This message confirms that you have overdraft protection on your checking account.

CHECKS PAID

CHECK NUMBER	DATE PAID	AMOUNT
2172	04/20	\$1,184.67
2173	04/30	109.15
2174 ^	04/30	157.00
2175 ^	. 04/30	75.00
2176	05/05	29.58
2177 ^	05/10	500.00
2178 ^	05/10	170.00
2179	05/14	1,184.67

Total Checks Paid \$3,410.07

[^] An image of this check may be available for you to view on Chase.com.



April 17, 2010 through May 18, 2010
Account Number

and the second s	
	ZING YOUR CHECKERS
BB ** # 2 : 10 3866 : 10 . 3 7 /	
BBB 7	National State Control of the Contro
688	

Note: Ensure your checkbook register is up to date with all transactions to date whether they are included on your statement or not. Step 1 Balance: \$___ 1. Write in the Ending Balance shown on this statement: 2. List and total all deposits & additions not shown on this statement: **Amount** Date Amount Date Date Amount Step 2 Total: Step 3 Total: 3. Add Step 2 Total to Step 1 Balance. 4. List and total all checks, ATM withdrawals, debit card purchases and other withdrawals not shown on this statement. Check Number or Date Amount Check Number or Date Amount Step 4 Total: 5. Subtract Step 4 Total from Step 3 Total. This should match your Checkbook Balance:

IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC FUNDS TRANSFERS:Call or write us at the phone number or address on the front of this statement (non-personal accounts contact Customer Service) if you think your statement or receipt is incorrect or if you need more information about a transfer listed on the statement or receipt. We must hear from you no later than 60 days after we sent you the FIRST statement on which the problem or error appeared. Be prepared to give us the following information:

Your name and account number

· The dollar amount of the suspected error

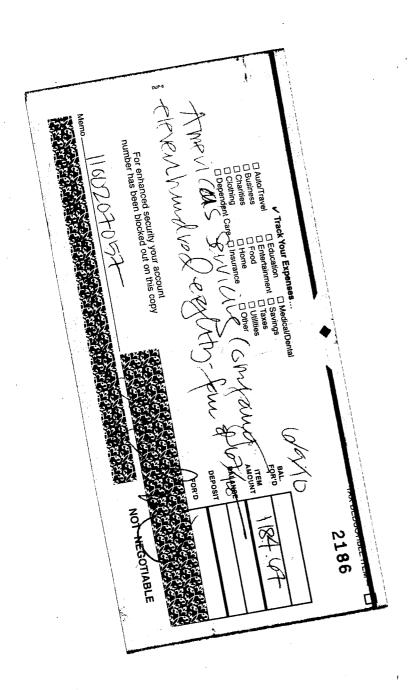
 A description of the error or transfer you are unsure of, why you believe it is an error, or why you need more information.

We will investigate your complaint and will correct any error promptly. If we take more than 10 business days (or 20 business days for new accounts) to do this, we will credit your account for the amount you think is in error so that you will have use of the money during the time it takes us to complete our investigation.

IN CASE OF ERRORS OR QUESTIONS ABOUT NON-ELECTRONIC TRANSACTIONS: Contact the bank immediately if your statement is incorrect or if you need more information about any non-electronic transactions (checks or deposits) on this statement. If any such error appears, you must notify the bank in writing no later than 30 days after the statement was made available to you. For more complete details, see the Account Rules and Regulations or other applicable account agreement that governs your account.



JPMorgan Chase Bank, N.A. Member FDIC





JPMorgan Chase Bank, N.A. P O Box 260180 Baton Rouge, LA 70826 - 0180

CUSTOMER SERVICE INFORMATION

May 191

Account Numb

Web site: Chase.com

 Service Center:
 1-800-788-7000

 Hearing Impaired:
 1-800-242-7383

 Para Espanol:
 1-877-312-4273

International Calls: 1-713-262-1679

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00016574 DRE 703 210 16810 - NNNNN 1 000000000 32 0000 VAN T HUYNH 5855 VALLEY DR UNIT 2002 NORTH LAS VEGAS NV 89031-3631



HELP CHASE MAKE A DIFFERENCE IN YOUR COMMUNITY

Your votes will help determine which 200 local charities share \$5 million in donations from Chase. Get involved at Facebook.com/ChaseCommunityGiving.

CHECKING SUMMARY

Chase Free Extra Checking

	AMOUNT
Beginning Balance	\$56.48
Deposits and Additions	3,191.29
Checks Paid	- 1,735.90
ATM & Debit Card Withdrawals	- 590.20
Electronic Withdrawals	- 375.89
Fees and Other Withdrawals	- 541.00
Ending Balance	\$4.78

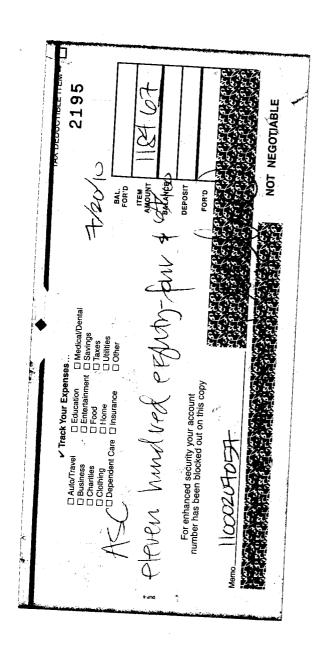
This message confirms that you have overdraft protection on your checking account.

CHECKS PAID

DATE	AMOUNT
=	£400.00
	\$100.00
06/02	100.00
06/02	157.00
06/02	116.00
06/02	50.65
06/15	27.58
06/14	1,184.67
	PAID 06/01 06/02 06/02 06/02 06/02 06/15

Total Checks Paid \$1,735.90

[^] An image of this check may be available for you to view on Chase.com.



CHASE •

JPMorgan Chase Bank, N.A. P O Box 260180 Baton Rouge, LA 70826 - 0180

Halalallarallarallallallarallaralllaralalall

00020378 DRE 703 210 23010 - NNNNN 1 000000000 32 0000 VAN T HUYNH 5855 VALLEY DR UNIT 2002 NORTH LAS VEGAS NV 89031-3631 July 20, 2010 through August 17, 2010 Account Number:

CUSTOMER SERVICE INFORMATION

 Web site:
 Chase.com

 Service Center:
 1-800-788-7000

 Hearing Impaired:
 1-800-242-7383

 Para Espanol:
 1-877-312-4273

 International Calls:
 1-713-262-1679



CHECKING SUMMARY

Chase Free Extra Checking

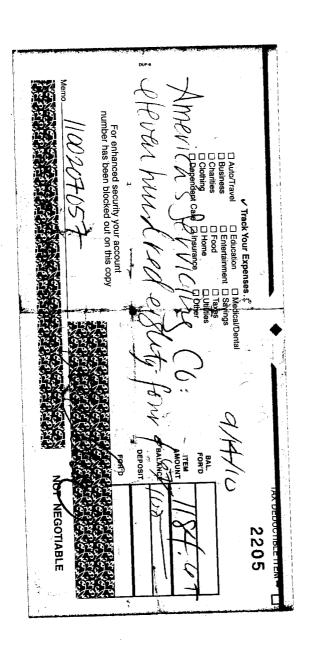
Beginning Balance	AMOUNT \$496.07
Deposits and Additions	3,019.02
Checks Paid	- 1,502.67
ATM & Debit Card Withdrawals	- 795.96
Electronic Withdrawals	- 585.67
Fees and Other Withdrawals	- 541.00
Ending Balance	\$89.79

This message confirms that you have overdraft protection on your checking account.

CHECKS PAID

CHECK NUMBER	DATE PAID	AMOUNT
2195	07/23	\$1,184.67
2196	08/10	126.00
2197	08/11	32.00
2198 ^	08/16	160.00
Total Checks Paid		\$1,502.67

[^] An image of this check may be available for you to view on Chase.com.





JPMorgan Chase Bank, N.A. P O Box 659754 San Antonio, TX 78265 - 9754

Nablakan Naadhallaallaallaablaball

00005727 DRE 703 210 26110 - NNNNN 1 000000000 32 0000 VAN T HUYNH 5855 VALLEY DR UNIT 2002 NORTH LAS VEGAS NV 89031-3631 August 18, 2010 through September 17, 2010 Account Number:

CUSTOMER SERVICE INFORMATION

Web site:	Observed
	Chase.com
Service Center:	1-800-788-7000
Hearing Impaired:	1-800-242-7383
Para Espanol:	1-877-312-4273
International Calls:	1-713-262-1679



The California State Controller may soon issue Registered Warrants to pay certain State obligations. For more information about the Registered Warrants and our policies and conditions for accepting them, please go to www.chase.com/CAWarrants.

CHECKING SUMMARY

Chase Free Extra Checking

AMOUNT \$89.79	
4,336.59	
- 1,747.67	
- 1,641.86	
- 231.24	
- 596.00	
\$209.61	
	4,336.59 - 1,747.67 - 1,641.86 - 231.24 - 596.00

This message confirms that you have overdraft protection on your checking account.

CHECKS PAID

CHECK NUMBER	DATE PAID	AMOUNT
2200	09/13	\$32.00
2201	09/13	126.00
2202 ^	09/13	105.00
2203 ^	09/08	300.00
2205 *	09/17	1,184.67
Total Checks Paid		\$1,747.67

- * All of your recent checks may not be on this statement, either because they haven't cleared yet or they were listed on one of your previous statements.
- ^ An image of this check may be available for you to view on Chase.com.

